

**REGULAR MEETING OF THE EMERSON CITY COUNCIL  
WEDNESDAY, SEPTEMBER 8, 2021 – 6:00 P.M.  
MEETING WAS HELD IN EMERSON CITY HALL – 410 MANCHESTER  
AND ALSO AVAILABLE THROUGH ZOOM**

Mayor Pro-Tem Mike Branigan called the regular meeting of the Emerson City Council to order on Wednesday, September 8, 2021, 6:00 p.m. in Emerson City Hall, 410 Manchester Street.

Pledge of allegiance was recited.

Roll Call: Present: Councilperson Ann Roth, Larry Johnson, Randy Gray, Bob Huntsman, and Mike Branigan

Absent: None

Moved by Councilperson Johnson, seconded by Gray to approve the agenda.

Roll Call: Ayes: Councilperson Huntsman, Roth, Johnson, Gray and Branigan

Nays: None

Motion Carried.

Moved by Councilperson Roth, second by Gray to approve consent agenda:

\*Minutes from regular meeting of August 11, 2021

\*Warrants for August 2021

\*Financial Report for August 2021

Roll Call: Ayes: Councilperson Huntsman, Roth, Johnson, Gray, and Branigan

Nays: None

Motion Carried.

Moved by Councilperson Johnson, seconded by Roth to approve claims for September 2021 in the amount of \$13,973.84

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, Johnson, and Branigan

Nays: None

Motion Carried.

Several representatives of East Mills School District addressed the Council and the public regarding the upcoming school bond proposal. There were several who spoke or asked questions: Karl Borman, Tim Hood, Ann Roth, Stephanie Miller, Steve Jurjevich, Lindsay Sayers, Daric O'Neal, Mike Branigan, Steve Hunt, Kate Jurjevich, Dawn Sparks, Dale Scott, Mark Stearns, Mary Bolton, Larry Johnson, and Lana Moyers. No action taken.

Visitors opportunity to speak: None

Moved by Councilperson Roth, seconded by Branigan to authorize City Attorney Fishman to prepare a draft of an agreement between City of Emerson and Mills County Museum to allow Steven Hunt to remove old council books from city hall to digitize them. (They would then be available at museum and the city would receive an archivable disk)

Roll Call: Ayes: Councilperson Johnson, Gray, Huntsman, Roth, and Branigan

Nays: None

Motion Carried.

Johnny Herold with Accu-Jet addressed the Council about programs they offer that could assist in cleaning or televising sewer lines. There was no action taken at this time.

No Fire Department report.

Moved by Councilperson Johnson, seconded by Roth to approve Methodist Church request to use Evans Park for community church service on September 12, 2021

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, Johnson, and Branigan

Nays: None

Motion Carried.

Moved by Councilperson Huntsman, seconded by Branigan to allow UTV's, Side by Sides and ATV's to ride on the town street during the day of September 25, 2021 for a UTV Poker Run Fundraiser event

Roll Call: Ayes: Councilperson Roth, Johnson, Gray, Huntsman, Roth, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Branigan began a motion to table the Water Utility Vendor Agreement with West Central Community Action but then amended his motion to deny the agreement, seconded by Johnson.

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, Johnson, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Gray to approve Mayor's recommendation to appoint the following seven to the Emerson Community Building Board: Peggy Gage, Anne Christensen, Gary Christensen, Heidi Pullen, Anthony Pullen, Connie Frink, and Cathy Bruce.

Roll Call: Ayes: Councilperson Huntsman, Roth, Johnson, Gray, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Branigan to approve Old Road Café' Outdoor Alcohol service amendment for September 11, 2021

Roll Call: Ayes: Councilperson Johnson, Gray, Huntsman, Roth, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Branigan to approve the 2<sup>nd</sup> reading of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa, by Removing Part of Chapter 151 and Adding a Section to Said Chapter Pertaining to Trees

Roll Call: Ayes: Councilperson Roth, Johnson, Gray, Huntsman, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Huntsman to waive the 3<sup>rd</sup> reading of the proposed Ordinance Amending the Code of Ordinances of the City of Emerson, Iowa, by Removing Part of Chapter 151 and Adding a Section to Said Chapter Pertaining to Trees

Roll Call: Ayes: Councilperson Roth, Johnson, Gray, Huntsman, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Huntsman to approve Ordinance No. 373  
**ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EMERSON, IOWA BY REMOVING PART OF CHAPTER 151 AND ADDING A SECTION TO SAID CHAPTER PERTAINING TO TREES**

**BE IT ENACTED** by the City Council of the City of Emerson, Iowa:

**SECTION 1. SECTION MODIFIED:** Section 151.02 of the Code of Ordinances of the City of Emerson, Iowa, is repealed and the following adopted in lieu thereof:

Section 151.02 Planting Restrictions. No tree shall be planted in any parking or street unless the City gives prior approval of such planting.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the 8th day of September 2021 and approved this 8th day of September 2021.

\_\_\_s/ Mike Branigan\_  
Mayor

ATTEST:

\_\_\_s/Mary L. Bolton\_  
City Clerk

Roll Call: Ayes: Councilperson Roth, Johnson, Gray, Huntsman, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Huntsman to approve Resolution No. 2021-24  
**RESOLUTION TO RE-INVEST OR THE PLACEMENT OF MONIES FROM CD  
xx68 AT MALVERN BANK (leave this CD at Malvern Bank)**

Roll Call: Ayes: Councilperson Johnson, Gray, Huntsman, Roth, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Johnson to approve Resolution No. 2021-25  
**RESOLUTION TO RE-INVEST OR THE PLACEMENT OF MONIES FROM CD  
xx69 AT MALVERN BANK (leave this CD at Malvern Bank)**

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, Johnson, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Roth, seconded by Huntsman to approve Resolution No. 2021-26  
**RESOLUTION TO RE-INVEST OR THE PLACEMENT OF MONIES FROM CD  
xx70 AT MALVERN BANK (leave this CD at Malvern Bank)**

Roll Call: Ayes: Councilperson Johnson, Gray, Huntsman, Roth, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Johnson, seconded by Roth file an abandonment property against 502  
King Street.

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, Johnson, and Branigan  
Nays: None

Motion Carried.

City has obtained ownership of 408 Manchester. Will watch for grants to assist in demolition.  
No action on Economic Development Grant for hotel. Councilperson Branigan asked to hold off  
until he notifies Clerk to put it back on agenda.

Moved by Councilperson Johnson, seconded by Roth to tear down the bleachers and dug outs at Bass Park.

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, Johnson, and Branigan  
Nays: None

Motion Carried.

Moved by Councilperson Gray, seconded by Branigan to authorize Deputy Clerk to attend IMFOA in October 2021.

Roll Call: Ayes: Councilperson Roth, Johnson, Gray, Huntsman, and Branigan  
Nays: None

Motion Carried.

Public Works report was a written report within packet.

Mayor's report: He encourages everyone to attend and show support of Emerson Days this weekend.

Clerk's Report was provided as a written report within packet but also confirmed waste site procedures and pay out to employee.

City Attorney's report:

\*Asked for Mayor Pro-Tem to give him direction to prepare a letter to Mills County Board of Supervisors and Mills County Treasurer to abate the property taxes of 411 King and 408 Manchester, since city's ownership. Mayor Pro-Tem Branigan gave this direction.

\*Mr. Fishman advised he may be gone for October meeting, but Attorney Doll will cover in his absence.

Additional items as may come before the Council:

\*4-H club will be canvassing Emerson on September 12 to collect canned goods to donate to West Central, as a community service project

Moved by Councilperson Johnson, seconded by Roth to adjourn the meeting.

Roll Call: Ayes: Councilperson Gray, Huntsman, Roth, Johnson, and Branigan  
Nays: None

Motion Carried.

Meeting Adjourned.

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Minutes prepared by:  
Mary L. Bolton, City Clerk

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Michael Branigan  
Mayor Pro-Tem presided over meeting